

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JIMMIE MECCYA WILLIAMS,

Petitioner

v.

Civil Action No.: 2:04-1236

WILLIAM S. HAINES, Warden,
Huttonsville Correctional Center,

Respondent

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on April 13, 2005. The magistrate judge recommends dismissal of the petition without prejudice, pending exhaustion of state court remedies. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. The petitioner's motion to hold his petition in abeyance be, and it hereby is, denied;

3. The respondent's motion in opposition to petitioner's motion to hold in abeyance be, and it hereby is, granted;

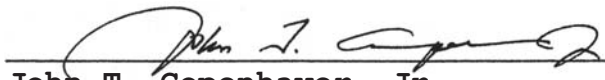
4. The respondent's motion to dismiss for failure to exhaust state court remedies be, and it hereby is, granted; and

5. This action be, and it hereby is, dismissed without prejudice, pending exhaustion of petitioner's state court remedies.

It is noted that petitioner has thirty days from the entry of this order in which to appeal the dismissal of his case. Failure within thirty days from this date to file with the Clerk of this court a notice of appeal of the order and the Judgment thereon will render this order and the Judgment thereon final and unappealable.

The Clerk is directed to forward copies of this written opinion and order to the pro se petitioner, all counsel of record, and the United States Magistrate Judge.

DATED: June 1, 2005



John T. Copenhaver, Jr.
United States District Judge